

REMARKS

Applicant respectfully requests entry and consideration of the above amendments even though presented after a final rejection. Applicant submits that the amendments do not raise new issues or require a new search. Further, entry and consideration of the amendments may isolate issues for potential allowance or appeal. The amendments were not presented earlier in the prosecution due to a better understanding of the Examiner's position as reflected in the latest Office Action.

Summary

Claims 1-5, 7-9, 12 and 13 stand in this application. Claims 6 and 11 have been canceled. Claim 10 has been withdrawn. Claims 1 and 9 are currently amended. Support for the current amendments may be found at least at Figure 2(a) of Applicant's disclosure. New claims 12 and 13 have been added. No new matter has been added. Favorable reconsideration and allowance of the standing claims are respectfully requested

35 U.S.C. § 102

At page 3, paragraph 2 of the Office Action claims 1, 3, 4 and 7-9 stand rejected under 35 U.S.C. § 102 as being anticipated by Miki et al., United States Patent Number 5,396,131 (hereinafter "Miki"). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the anticipation rejection.

Although Applicant disagrees with the broad grounds of rejection set forth in the Office Action, Applicant has amended claims 1 and 9 in order to facilitate prosecution on

the merits. Applicant submits that the amendments merely clarify, either expressly or impliedly, what was already present in the claims.

Applicant respectfully submits that to anticipate a claim under 35 U.S.C. § 102, the cited reference must teach every element of the claim. *See* MPEP § 2131, for example. Applicant submits that Miki fails to teach each and every element recited in claims 1, 3, 4 and 7-9 and thus they define over Miki. For example, with respect to claim 1, Miki fails to teach, among other things, the following language:

wherein each third transistor of the first circuit portion is coupled at its base directly to a base of a corresponding third transistor of the second circuit portion, and to a control voltage source.

According to the Office Action, this language is disclosed by Miki at Figure 10. Applicant respectfully disagrees.

Applicant respectfully submits that claim 1 defines over Miki. Figure 10 is relied upon by the Examiner in his rejections of claims 1, 3, 4 and 7-9, and is representative of the system taught by Miki. Figure 10, however, fails to disclose a biasing transistor of a first circuit portion being coupled at its base directly to a base of a corresponding third transistor of the second portion. According to the Office Action at page 2, paragraph 2, the Examiner correctly agrees that Figure 10 of Miki discloses, “[t]he biasing transistors 305 and 306 connect at their bases to each other and to a voltage source. No other connections are made at the bases of the transistors... Rather, any connections between transistors 305 and 306 [and the base of a corresponding third transistor of the second circuit portion] are made via the collectors of each transistor and additional circuit

components...” The Office Action goes on to state that the Examiner fails to see any limitations prohibiting intervening components between the coupling of the transistor bases. Applicant respectfully disagrees. Independent claim 1, as amended, recites, “wherein each third transistor of the first circuit portion is coupled at its base directly to a base of a corresponding third transistor of the second circuit portion, and to a control voltage source.” It is clear from the language of claim 1 that there are no intervening components between the coupling of the transistor bases. Consequently, Miki fails to disclose all the elements or features of the claimed subject matter. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claim 1. Furthermore, Applicant respectfully requests withdrawal of the anticipation rejection with respect to claims 3, 4, 7 and 8, which depend from claim 1 and, therefore, contain additional features that further distinguish these claims from Miki.

Claim 9 recites features similar to those recited in claim 1. Therefore, Applicant respectfully submits that claim 9 is not anticipated and is patentable over Miki for reasons analogous to those presented with respect to claim 1. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claim 9.

35 U.S.C. § 103

At page 4, paragraph 4 claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Miki in view of Limberg, United States Patent Number 3,798,376 (hereinafter “Limberg”). Additionally, on page 5, paragraph 4 of the Office action, the Examiner rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Miki in view of Hester, United States Patent Number 4,460,873 (hereinafter “Hester”). Applicant

respectfully traverses the rejection, and requests reconsideration and withdrawal of the obviousness rejection.

The Office Action has failed to meet its burden of establishing a *prima facie* case of obviousness. According to MPEP § 2143, three basic criteria must be met to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j).

As recited above, to form a *prima facie* case of obviousness under 35 U.S.C § 103(a) the cited references, when combined, must teach or suggest every element of the claim. See MPEP § 2143.03, for example. Applicant respectfully submits that the Office Action has not established a *prima facie* case of obviousness because the cited references, taken alone or in combination, fail to teach or suggest every element recited in claims 2 and 5. Therefore claims 2 and 5 define over Miki and Limberg or Hester whether taken alone or in combination.

As discussed above, Applicant respectfully submits that Miki fails to disclose, teach or suggest “wherein each third transistor of the first circuit portion is coupled at its base directly to a base of a corresponding third transistor of the second circuit portion, and to a control voltage source.” Furthermore, Applicant respectfully submits that

Limberg and Hester fail to disclose, teach or suggest “wherein each third transistor of the first circuit portion is coupled at its base directly to a base of a corresponding third transistor of the second circuit portion, and to a control voltage source.” Consequently, Miki and Limberg or Hester, whether taken alone or in combination, fail to disclose, teach or suggest every element recited in claims 2 and 5. Applicant, therefore, respectfully requests the removal of the obviousness rejection with respect to these claims.

Conclusion

For at least the above reasons, Applicant submits that claims 1-5, 7-9, 12 and 13 recite novel features not shown by the cited references. Further, Applicant submits that the above-recited novel features provide new and unexpected results not recognized by the cited references. Accordingly, Applicant submits that the claims are not anticipated nor rendered obvious in view of the cited references.

Applicant does not otherwise concede, however, the correctness of the Office Action’s rejection with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

It is believed that claims 1-5, 7-9, 12 and 13 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

The Examiner is invited to contact the undersigned at 724-933-9338 to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to the credit card in the previously filed credit card authorization form.

Respectfully submitted,

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John F. Kacvinsky, Reg. No. 40,040
Under 37 CFR 1.34(a)

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